

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK**

P3, as Parent and natural Guardian of
S3, an Infant,

Plaintiff

v.

CV NO. 21-CV-6546-EAW-MJP
DECLARATION IN SUPPORT
OF MOTION.

HILTON CENTRAL SCHOOL DISTRICT,
KIRK ASHTON, as Principal of Northwood
Elementary School, and DAVID DIMBLEBY,
as former Superintendent of HILTON CENTRAL SCHOOL
DISTRICT, and DR. CASEY KOSIOREK, as
Superintendent of HILTON CENTRAL SCHOOL
DISTRICT, in their individual and official capacities,

Defendants.

Jeffrey Wicks, Esq under penalty of perjury, pursuant to 28 U.S.C. §1746, states:

1. I am the attorney for Plaintiff herein and I make this affirmation in connection with the Court's direction to make a supplemental filing in support of his motion to Voluntarily Dismiss.
2. More specifically, the Court's Text Order entered June 12, 2024, referred to an article published in the Rochester Democrat & Chronicle on June 12, 2024, which indicated that defendant Kirk Ashton is eligible to receive his state pension in 2025, which would result in his receiving thousands of dollars per month.
3. The Court further stated that such alleged fact "significantly undercuts the argument Plaintiff's counsel has made.... [that] collection of any judgment against Ashton would be unlikely since he is unemployed and in prison."
4. The Court's direction for a supplemental filing is to specifically address the issue of Ashton's state pension, and whether the receipt of this pension would impact Plaintiff's ability to collect a judgment from him.
5. For the reasons stated in the attached Memorandum of Law, it is respectfully submitted that Defendant Ashton's eligibility to receive his state pension and his receipt of a portion

of his state pension would not significantly change Plaintiff's argument in support of the motion to Voluntarily Dismiss.

6. I declare under penalty of perjury that the foregoing is true and correct.

s/ Jeffrey Wicks _____
JEFFREY WICKS, Esq.

Dated: Executed on July 25, 2024
Rochester, New York